

## REMARKS

The present application has been reviewed in light of the Office Action dated July 24, 2008. Claims 1-20 are presented for examination, of which Claims 1, 7, 10, and 16 are in independent form. Claims 1-7, 10, 15, 16, and 20 have been amended to define Applicants' invention more clearly. Favorable reconsideration is requested.

Claims 1-9 were rejected under 35 U.S.C. § 101 and 35 U.S.C. § 112 for being directed to both an apparatus and a method. Without conceding the propriety of this rejection, Claims 1-6 have been amended, as deemed necessary, with special attention to the points raised in sections 1 and 3 of the Office Action. Particularly, Applicants have removed the "donation engine" terminology from Claims 1-6. Accordingly, Applicants respectfully submit that the scope of Claims 1-9 clearly falls solely within one statutory class of invention, a method. It is believed that the rejection under Section 101 and Section 112 has been obviated, and its withdrawal is therefore respectfully requested.

The Office Action rejected Claims 1, 2, 4-7, and 9 under 35 U.S.C. § 102(b) as being anticipated by various portions of the DonationDepot.com website ("DonationDepot"); and rejected Claims 3, 8, and 10-20 over *DonationDepot* in view of U.S. Patent Application Publication No. 2001/0054003 ("Chien"). Applicants respectfully traverse these rejections and submit that amended independent Claims 1, 7, 10, and 16, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Claim 1 has been amended to clarify various employer based gift matching aspects of the present invention. On page 4, *DonationDepot* states:

### *About company matching*

Donation Depot encourages donors to participate in company gift matching programs. Most companies require employees fill out a gift application before making a donation. Then, when the charity

receives the donation, the company makes a donation to the same charity in the same amount. If you are not sure your company has a matching program, check with your human resources or employee benefits office.

\* \* \*

*Build a company matching program with Donation Depot*  
Donation Depot helps businesses and organizations start or improve their company matching programs by offering electronic giving. Companies who use Donation Depot's services for their gift matching can allow their employees to donate from the organization's own Website . . .

(Italics in original).

Other than the above overly broad statements regarding company matching, *Donation Depot* fails to describe what (if any) features *DonationDepot* implements to “[b]uild a company matching program.” Accordingly, nothing has been found in *DonationDepot* to teach or reasonably suggest the steps of “receiving,” “verifying,” “confirming,” “generating,” “searching,” “selecting,” “completing,” “forwarding,” and “activating,” as recited by amended Claim 1.

A review of *Chien* has failed to reveal anything that, in Applicants' opinion, would remedy the deficiencies of *DonationDepot* discussed above, as applied against the claims herein.

For at least these reasons, the rejection under 35 U.S.C § 102(b) is deemed obviated, and its withdrawal is respectfully requested.

Independent Claims 7, 10, and 16 include features similar to that discussed above with respect to Claim 1. Therefore, those claims are also believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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